APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,196	07/18/2008	Cedric Gegout	13798.004.00	6509

30827   7590   10/02/2009
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EXAMINER
KHAN, AFTAB N

ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
10/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02/13/2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-17</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>07/18/2008</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-17 are presented for examination

2.   Examiner cites lack of filling fees. It is noted that applicant filed multiple

dependant claims and additional fees are required in accordance with 37 C.F.R 1.16 (j)

applicant is required to pay that fee in response to this office action.

Information Disclosure Statement

3.   The information disclosure statements (IDS) submitted 07/18/2008. The

submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statement is being considered by the examiner.

Claim Objections

4.   Claims 3-11 are improper multiple dependent claims, in that they are not treated

on the merits. Claims 3-11 are objected to under 37 CFR 1.75(c) as being in improper

form because a multiple dependent claim 6, 8, 9, 10 and 11. See MPEP § 608.01(n).

Accordingly, the claims 6-11 not been further treated on the merits

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 1-11, are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

7.   **Regarding claim 1,** the limitations "at least <u>some</u> of said multimedia pages" are

vague and indefinite. The examiner views the phrase as "at least <u>one</u> of said

multimedia page" for further examination.

8.   All dependent claims are rejected to as having the same deficiencies as the

claims they depend from.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

9.   The claimed invention is directed to non-statutory subject matter. Independent

claims 12-14 and 15-17 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. The claims are directed to

software per se and ***signal per se***, which does not fall into the categories of "process",

"machine", "manufacture" and "composition of matter".

10.   Referring to claims 12-14 recite a "program product in the form of computer code

characterized in that it includes an instruction to store" is viewed clearly is referring to

software, which direct the claims to ***software per se***.

11.   Referring to claims15-17, recite "a signal comprising computer code", which

direct the claim to **signal per se**.

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13.   Claim 1, 2 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by

Salmi et al. hereinafter "Salmi" with US publication number 2001/0040900 A1.

14.   **Regarding Claim 1,** Salmi teaches a method of editing multimedia pages on a

terminal (Fig 1 show WAP Terminals), in which a server (Fig 1, Item 20, Server)

supplies one or more terminals with at least some of said multimedia pages in the form

of object arrangement instructions ([0027], XML Code contains objects) for objects

identified by associated parameters ([008], presentation parameters), characterized in

that the method comprises:

     a.   a) at least a preliminary step during which the server transmits at least

     some of the parameters associated with an object, and an instruction to store

     said parameters in a terminal memory ([0023], lines 1-5, storing instructions in a

     memory where multimedia messages presented in a page, see Fig 4a,b).

     b.   b) and at least a main step during which the server transmits a simple

     instruction to restore said parameters previously stored in terminal memory, to

edit at least one multimedia page in which said object occurs (Fig 2, MMSC is

server transmitting instructions for restoration to terminal 'MS').

15.   **Regarding Claim 2**, Salmi teaches the method as claimed in claim 1,

characterized in that the step b) alone is repeated to edit a number of multimedia pages

in which said object occurs ([0028], lines 5-13, editing multimedia components).

16.   **Regarding Claim 12**, Salmi teaches a program product in the form of computer

code, characterized in that it includes an instruction to store, in a memory of a terminal,

parameters of at least one object intended to be arranged, according to said

parameters, in a multimedia page suitable for editing on said terminal ([0023], Program

blocks JAVA objects with 'parameters' listed in [0008], lines 33-36).

17.   **Regarding Claim 13,** Salmi teaches a program product in the form of computer

code, characterized in that it includes an instruction to restore parameters previously

stored in a memory of a terminal, these parameters being associated with at least one

object intended to be arranged, according to said parameters, in a multimedia page

suitable for editing on said terminal ([0029], Compiling block COMP and MEM with

stored parameters in multimedia page that has been edited).

18.   **Regarding Claim 14**, Salmi teaches a program product in the form of computer

code, characterized in that it includes an instruction to delete parameters previously

stored in a memory of a terminal and associated with at least one object to be arranged,

according to said parameters, in a multimedia page edited on said terminal (Fig 4b,

'Dismantling of message' that is previously stored in the memory according to its

parameters).

19.   **Regarding Claim 15**. Salmi teaches a signal comprising a computer code,

characterized in that the code contains an instruction to store, in a memory of a

terminal, parameters of at least one object intended to be arranged, according to said

parameters, in a multimedia page suitable for editing on said terminal ([0022], Digital

Signal Processor common in mobile devices uses signal for computer code such as

JAVA programming with declared parameter such as frequencies arranges objects).

20.   **Regarding Claim 16**, Salmi teaches a signal comprising a computer code,

characterized in that the code includes an instruction to restore parameters previously

stored in a memory of a terminal, these parameters being associated with at least one

object intended to be arranged, according to said parameters, in a multimedia page

suitable for editing on said terminal (Fig 5a, b, illustrates parameters stored in memory

being arranged).

21.   **Regarding Claim 17**. A signal comprising a computer code, characterized in that

the code includes an instruction to delete parameters previously stored in a memory of

a terminal and associated with at least one object to be arranged, according to said

parameters, in a multimedia page edited on said terminal (Fig 6a, b, c, display objects

such as pictures arranged according to said parameters in the code).

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AFTAB KHAN whose telephone number is (571)270-

5172. The examiner can normally be reached on Monday-Friday, 8:00am-5.00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NATHAN FLYNN/   /AFTAB KHAN/
Supervisory Patent Examiner, Art Unit 2454   September 28, 2009
                                                  Examiner, Art Unit 2454